IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8855 of 1992

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHAH RATANJI KANJI

Versus

DISTRICT DEVELOPMENT OFFICER

Appearance:

MR YS MANKAD for Petitioner

M/S PURNANAND & CO for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 06/10/2000

ORAL JUDGEMENT

The petitioner before this Court was the elected Sarpanch of village Devpar [Gadhvali] of Taluka-Mandvi, District-Kutch. It is contended that while the petitioner was trying to remove some encroachments, an altercation took place between the petitioner and some villagers belonging to Harijan community in which the

said villagers assaulted the petitioner causing grievous injuries to him. A complaint in that respect was registered as CR No. 16 of 1990. To counter act the complaint made by the petitioner, the said Harijan persons have lodged a criminal complaint against the petition for the offences punishable under Sections 323, 504 IPC and under Sections 3 and 10 of the Scheduled Caste & Scheduled Tribes [Prevention of Atrocities] Act, 1976 for an alleged incident of 15th February, 1990. In view of this complaint lodged against the petitioner, the District Development Officer on 21st March, 1992 issued a notice calling upon the petitioner to show cause why he should not be suspended from his post of Sarpanch. The said notice was duly replied to by the petitioner. However, by Order dated 9th July, 1992, the District Development Officer suspended the petitioner with immediate effect. The said order was challenged by the petitioner before the Development Commissioner. The Addl. Development Commissioner under his Order dated 24th November, 1992 dismissed the appeal. Feeling aggrieved, the petitioner has preferred the present petition.

It appears that though the petition was admitted to final hearing, no interim relief was granted in favour of the petitioner. The impugned order suspending the petitioner from his post of Sarpanch has been given effect to. In view of the petitioner's term as Sarpanch having expired pending this petition, no further order is required to be made on this petition. Petition is accordingly dismissed. Rule is discharged. The parties shall bear their own costs.

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Prakash*